

**The Department of Water Resources
Public Participation Process
For Negotiations of Potential Changes to
the SWP Water Supply Contracts for the Proposed BDCP
Between DWR and State Water Project Contractors**

OBJECTIVE OF THE PUBLIC PARTICIPATION PROCESS

This document describes the procedures that will be followed to enable members of the public to observe and comment on the negotiations for the “State Water Project (SWP) Contract Amendment for the Proposed Bay Delta Conservation Plan (BDCP) Project.” The California Department of Water Resources (DWR) and State Water Project contractors (Contractors) intend to negotiate terms and conditions for developing proposed amendments to the SWP water supply contracts that would address allocation and payment of costs, as appropriate, for the proposed BDCP. The negotiation is focused only on those contractual aspects and is not a forum for making any other decisions regarding BDCP planning activities or approving the BDCP.

This document has been prepared in accordance with the “Principles Regarding Public Participation Process In SWP Contract Negotiations,” which were approved as part of a settlement agreement reached in the lawsuit titled, *Planning and Conservation League et al. v. Department of Water Resources*, 83 Cal. App. 4th 892 (2000). A copy of the Principles is attached.

NOTICE OF NEGOTIATIONS

- DWR will provide notice at least 15 calendar days prior to each negotiation session, unless circumstances warrant less time, but in no case will notice be less than 72 hours.
- DWR will publish Negotiation Notices and any available Proposed Agendas and pertinent documents on its website for the “SWP Contract Amendment for the Proposed BDCP Project” at:
www.water.ca.gov/swpao/swpcontractamendmentforbdcp.
- Members of the public may call (916) 653-6271 for information about upcoming negotiation sessions.

- Members of the public may request Negotiation Notices by email at: swpcontractamendmentforbdcp@water.ca.gov. Please include the text “Email Notification Request” in the subject line, and your name and email address in the body of the message. The requester is responsible for ensuring their correct email address is on file with DWR.
- Negotiation sessions will be located in Sacramento, California, unless specified otherwise in the Notice.

PUBLIC OBSERVATION AND COMMENT

All negotiation sessions concerning the terms and conditions for developing proposed amendments are open to the public. Members of the public will have an opportunity to provide oral comments at the end of each negotiation session. DWR reserves the right to limit the duration of oral comments, if necessary, to accommodate all persons wishing to speak. In addition, members of the public will have an opportunity to provide written comments relevant to the issues discussed during that negotiation session. DWR will consider all public comments but may not respond to the comments. Written comments may also be submitted within 7 calendar days following the negotiation session:

By Email: swpcontractamendmentforbdcp@water.ca.gov
Subject Line: “Comments on SWP Contract Amendment”

By U.S. Mail: Ted Alvarez, Project Manager for Contract Amendment
California Department of Water Resources
1416 Ninth Street, Room 1620
Sacramento, CA 94236-0001.

DOCUMENTS

To the extent available, prior to each negotiation session, public documents prepared for or pertinent to negotiations will be posted on DWR’s website for the “SWP Contract Amendment for the Proposed BDCP Project” noted above. After negotiations are completed, a copy of the proposed terms and conditions for developing contract amendments being proposed for approval and execution by DWR and the Contractors will be posted on the website. Members of the public will have up to 30 days after posting to submit written comments to either DWR address listed above. DWR welcomes and will consider all comments, but will not provide formal responses.

RELATIONSHIP TO CEQA

The process outlined in this document does not replace or supplant any requirements for public participation and comment that may be applicable under the California Environmental Quality Act (CEQA) related to the development of proposed amendments for this Project.

ATTACHMENT D

PRINCIPLES REGARDING PUBLIC PARTICIPATION PROCESS IN SWP CONTRACT NEGOTIATIONS

Note: These principles are prepared in connection with the settlement agreement between PCL and DWR and are only effective pursuant to the terms therein.

1. **Policy:** Given the importance of the State Water Project to the State of California, and the key role that the long-term water supply contracts play in the administration of the State Water Project, DWR agrees that public review of significant changes to these contracts is beneficial and in the public interest.
2. **Types of activities to be covered:** Project-wide contract amendments (i.e., contracts with substantially similar terms intended to be offered to all long-term SWP Contractors) and contract amendments to transfer entitlements between existing SWP Contractors will not be offered to the contractors for execution unless DWR has first complied with the public participation process as described in paragraphs (3), (4), (5) and (6).
3. **The Public Participation Process.**
 - 1) Negotiations will be conducted in public;
 - 2) The public will be provided with advance notice of the time and place of the negotiations;
and
 - 3) The public will be provided the opportunity to observe negotiations and comment in each negotiating session
4. **Timing of Public Participation:** Public participation ordinarily will precede the formulation of the project description in the CEQA process in order to assure that the public participation is meaningful. When DWR is a responsible agency, (e.g., when existing SWP Contractors agree to transfer entitlement between themselves), the public participation will be scheduled to facilitate coordination with the lead agency's CEQA process.
5. **Activities that will not be subject to public participation:** Informal discussions prior to exchange of formal drafts and discussion of topics that are authorized to be kept confidential by law will not be subject to the public participation process.
6. **Contract amendments resulting from litigation:** If litigation has been formally initiated, and settlement negotiations result in a proposal to adopt project-wide amendments to settle the litigation, all proposed contract amendments shall be subject to the public participation process before they are approved by DWR.